In re Patent Application of:
GREGG ET AL.
Serial No. **09/680,721**
Filed: **OCTOBER 6, 2000**

REMARKS

Applicants again thank the Examiner for the careful and thorough examination of the present application, for the courtesy extended during the telephone interview of April 20, 2004, and for correctly withdrawing the rejection under 35 U.S.C. §112, first paragraph in view of Applicants' arguments presented in such interview. By this amendment, independent Claims 17 and 61 have been amended to more clearly define the present invention and eliminate the Examiner and her supervisor's concern with "a fiber in Dinkel extending out of the cement layer 5 and contacting the core 3" as also discussed during the telephone interview.

Claims 17, 18, 20-28 and 54-64 remain pending in the application, and favorable reconsideration is respectfully requested in view of the lengthy and piecemeal examination.

I. The Claims are Patentable

Claims 17, 18, 20-28 and 61-64 were primarily rejected in view of Dinkel (U.S. 3,284,980) in combination with Huege et al. (U.S. 6,395,205) for the reasons set forth on pages 3-7 of the Office Action. Applicants contend that Claims 17, 18, 20-28 and 61-64 clearly define over the cited references, and in view of the following remarks, favorable reconsideration of the rejections is requested.

Again, the Dinkel patent, relied upon by the Examiner, is directed to a cement panel with a low density core and fiber reinforced surface layers. As emphasized by Applicants in the previous responses and in the telephone interview, in Dinkel,

the fibers are coated with a vinyl resin. As can be seen in FIG. 2 of the Dinkel patent, the panel includes a mortar 5, e.g. a hydraulic cement slurry, poured over the fiber layer 4 to penetrate the openings of the vinyl coated fiber mesh and provide intimate contact with the core 3. Clearly, the Dinkel patent does not disclose a resin layer covering and contacting one of the major surfaces of the core and incorporating the fiber mesh therein.

Furthermore, the Examiner and her supervisor expressed during the telephone interview that they believed that the fibers 4 in Dinkel could extend out of the mortar 5 and contact at least some portion of the core 3, and that this characterization of the Dinkel reference could somehow meet the feature of "a resin layer covering and contacting one of the major surfaces of the core and incorporating the fiber mesh therein" as claimed. Although Applicants specifically traverse such an assertion because the claims required the resin layer to cover and contact...the major surface of the core and not a portion of the surface as alleged and relied upon by the Examiners, to advance prosecution of the application, the independent claims have been amended to recite "a planar moisture-resistant resin layer in parallel with and contactingly covering at least one of the first and second major surfaces of said core and incorporating fibers therein." As acknowledged during the interview, in Dinkel, the fibers of the mesh are coated with a vinyl resin and there is in fact no resin layer covering and contacting the core because it is the mortar layer

5 that covers and contacts the core 3 as specifically taught by Dinkel at column 4, lines 65-75.

So, in view of the further clarity provided by the current amendment and discussion, it should be clear that there is no reasonable way to characterize the panel of Dinkel as having a planar moisture-resistant resin layer in parallel with and contactingly covering one of the first and second major surfaces of the core and incorporating fibers therein, as claimed.

Additionally, there is no discussion of using a monolithic body of autoclaved aerated concrete or a core consisting essentially of autoclaved aerated concrete, in combination with a moisture-resistant resin face layer covering and contacting the core and incorporating the fibers therein, as disclosed and claimed in the present application. Also, none of the other cited references disclose this combination of features.

There is simply no teaching or suggestion in the cited references to provide the combination of features as claimed. Accordingly, for at least the reasons given above, Applicants maintain that the cited references do not disclose or fairly suggest the invention as set forth in the independent claims. Furthermore, no proper modification of the teachings of these references could result in the invention as claimed. Thus, the rejections should be withdrawn.

It is submitted that the independent claims are patentable over the prior art. In view of the patentability of the independent claims, it is submitted that their dependent

claims, which recite yet further distinguishing features are also patentable over the cited references for at least the reasons set forth above. Accordingly, these dependent claims require no further discussion herein.

II. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. An early notice thereof is earnestly solicited. If, after reviewing this Response, there are any remaining informalities which need to be resolved before the application can be passed to issue, the Examiner is invited and respectfully requested to contact the undersigned by telephone in order to resolve such informalities.

Respectfully submitted,

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